

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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CORNELIUS HILL and	:	CIVIL ACTION
TRUDIE HASTINGS HILL, h/w	:	NO. 02-CV-2713
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
NSB NIEDERELBE, et al.	:	Philadelphia, Pennsylvania
	:	April 8, 2004
	:	
	:	CONTINUED
Defendants	:	TRIAL TESTIMONY OF
	:	WALTER CURRAN

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TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MICHAEL M. BAYLSON
UNITED STATES DISTRICT COURT JUDGE
And a Jury

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APPEARANCES:

For the Plaintiffs: E. ALFRED SMITH, ESQUIRE
ALFRED SMITH & ASSOCIATES
1333 Race Street, 2nd Floor
Philadelphia, Pennsylvania 19107

For the Defendants: CARL D. BUCHHOLZ, III, ESQUIRE
DAVID S. SANTEE, ESQUIRE
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One South Penn Square
The Widener Building, 16th Floor
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Deputy Clerk/
ESR Operator: L. Kashner

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1 (Proceeding in progress in open court.)

2 (Jury is present.)

3 THE COURT: Okay. Good morning, ladies and gentlemen.

4 The witness, take the witness stand, again, please.

5 (Pause.)

6 WALTER CURRAN, PREVIOUS SWORN, RESUMED.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. BUCHHOLZ:

9 Q. Good morning, Mr. Curran.

10 A. Good morning.

11 Q. You're still under oath from yesterday.

12 A. I understand.

13 Q. Just a couple of additional questions.

14 You've read Mr. Jones' description of the turnbuckle
15 and the lashing rod at the time he first saw it on the evening
16 of August 24th, is that correct?

17 A. That's correct.

18 Q. And I would like you to assume that the type of turnbuckle
19 and the type of lashing rod was as shown in P-6A and P-6B.

20 A. I understand.

21 Q. Okay.

22 And I want you to assume that Mr. Jones has testified
23 that when he approached that on the evening of August 24th, the
24 turnbuckle appeared to be in tact, that the lashing rod was in
25 tach and inserted in the top of the container and that he saw

1 Q. And what do you say to that?

2 MR. SMITH: Your Honor, I'm going to object to this,
3 it's not in his report, it's surprise.

4 THE COURT: Well, based on -- I'll overrule the
5 objection.

6 A. The -- first of all, if you --

7 Q. Do you want to use -- and if you want to use the diagram for
8 the jurors, you may.

9 A. I don't need that. It's just looking at the diagram,
10 actually looking at the photographs, you could see that the
11 physical structure of the turnbuckles and the -- the rods, it's
12 very thick steel.

13 And if it was snugged put tight, as Mr. Jones said it
14 was and -- and it should be -- when it comes in before it's
15 loosened -- Mr. Jones, who I know is a big, strong guy -- you
16 can hit that with just about anything you want and nothing is
17 going to budge that.

18 It will vibrate, but if it's in position, locked in
19 and tightened, you can hit that all day long and there is
20 nothing that's going to fly out or budge.

21 Q. Even if --

22 A. There's nobody on the waterfront, I know physically strong
23 enough to make that happen.

24 Q. Even if physically, the bottom of the rod disengaged from
25 the turnbuckle under those circumstances, what, if anything,